

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:147

ANSWERED ON:26.02.2002

EXTENSION IN PURVIEW OF MAHARASHTRA CONTROL OF ORGANISED CRIME ACT TO DELHI
RENUKA CHOWDHURY

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the purview of Maharashtra Control of Organised Crime Act (MCOCA) has been extended to Delhi;
- (b) if so, the salient features of the Act;
- (c) the details of the security to the witnesses under the Act;
- (d) the extent to which this Act is likely to be helpful in curbing the organised crime in the capital;
- (e) the details of persons detained thereunder, organised crime gangs they belong, and the action taken against them;
- (f) the steps being taken to ensure that the Act is not misused;
- (g) whether Andhra Pradesh and other States where organised crime is rampant, have also enforced such stringent measures; and
- (h) if so, the details in this regard ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYASAGAR RAO)

(a): Yes, Sir.

(b): These include registration of FIR with the prior approval of an officer not below the rank of Additional Commissioner of Police; the investigation of cases by an officer not below the rank of Assistant Commissioner of Police; recording of the statement of the accused by an officer not below the rank of Deputy Commissioner of Police in order to be admissible in the court; interception of communications to be made only with the prior approval of an officer not below the rank of Special Commissioner of Police and review of such orders by a high level committee; trial of the accused by a Special Court presided over by judicial officer of the rank of Sessions Judge or Additional Sessions Judge; in-camera trial of offences on the direction of Special Court; maintaining the secrecy of the identity of the witnesses; etc.

(c): The measures provided for ensuring security and safety of the witnesses include holding of in-camera proceedings if the Special Court so desires and the powers given to the Special Court to hold the proceedings at a place to be decided by it and issue directions, inter alia, to avoid the mention of the names and addresses of the witnesses in any records of the case accessible to public and securing that the identity of the witnesses is not disclosed.

(d): It will help the police to more effectively deal with the organized crime.

(e): No arrest has so far been made by Delhi Police under this law.

(f): There are sufficient in-built provisions in the Act to prevent its misuse.

(g) & (h): The information is being collected and will be laid on the Table of the House.